

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

MYPAQ HOLDINGS LTD.,

CIVIL ACTION NO. 6:21-CV-398-ADA

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC., and SAMSUNG AUSTIN
SEMICONDUCTOR, LLC,

JURY TRIAL DEMANDED

Defendants.

PLAINTIFF'S ANSWER TO SAMSUNG ELECTRONICS' COUNTERCLAIMS

Plaintiff/Counterclaim-Defendant MyPAQ Holdings Ltd. (hereinafter “MyPAQ”), by and through counsel, hereby responds to the numbered paragraphs of Defendants Samsung Electronics Co., Ltd.’s and Samsung Electronics America, Inc.’s (together, “Samsung Electronics”) Counterclaims for non-infringement and invalidity (the “Counterclaims”) (Dkt. 28) as follows.

THE PARTIES

1. MyPAQ lacks knowledge or information sufficient to form a belief about the truth of the allegations of Counterclaim Paragraph 1, and therefore denies the same.
2. MyPAQ lacks knowledge or information sufficient to form a belief about the truth of the allegations of Counterclaim Paragraph 2, and therefore denies the same.
3. MyPAQ admits the allegations of Counterclaim Paragraph 3.

JURISDICTION AND VENUE

4. MyPAQ admits that Samsung Electronics’ Counterclaims arise under 28 U.S.C. §§ 2201 and 2202, but denies that Samsung Electronics’ Counterclaims have any merit. MyPAQ admits that this Court has subject matter jurisdiction over Samsung Electronics’ Counterclaims. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 4.

5. MyPAQ admits that it is the owner of all rights, title, and interest in and to U.S Patent Nos. 7,403,399 (the “399 Patent”); 7,675,759 (the “759 Patent”); 7,978,489 (the “489 Patent”); and 8,477,514 (the “514 Patent”) (collectively, the “Asserted Patents”).

6. MyPAQ admits that it charges Samsung Electronics with infringement of one or more claims of the Asserted Patents, has submitted itself to the jurisdiction of this Court, has created an actual case or controversy between the parties, and has asserted that venue is proper in this Court. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 6.

7. MyPAQ admits that this Court has personal jurisdiction over MyPAQ for purposes of this action. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 7.

8. MyPAQ admits that venue is proper in the Western District of Texas for purposes of this action. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 8.

COUNT I
DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '399 PATENT

9. MyPAQ incorporates by reference Paragraphs 1–8 of this Answer to the Counterclaims.

10. MyPAQ admits the allegations of Counterclaim Paragraph 10.

11. MyPAQ admits that it owns the '399 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '399 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 11.

12. MyPAQ denies the allegations of Counterclaim Paragraph 12.

13. MyPAQ admits that a valid and justiciable controversy has arisen and exists between Samsung Electronics and MyPAQ regarding MyPAQ's allegations of infringement of the '399 Patent, but expressly denies that the issuance of a declaratory judgment to Samsung Electronics is in any way warranted. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 13.

14. MyPAQ denies the allegations of Counterclaim Paragraph 14.

COUNT II
DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '759 PATENT

15. MyPAQ incorporates by reference Paragraphs 1–14 of this Answer to the Counterclaims.

16. MyPAQ admits the allegations of Counterclaim Paragraph 16.

17. MyPAQ admits that it owns the '759 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '759 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 17.

18. MyPAQ denies the allegations of Counterclaim Paragraph 18.

19. MyPAQ admits that a valid and justiciable controversy has arisen and exists between Samsung Electronics and MyPAQ regarding MyPAQ's allegations of infringement of the '759 Patent, but expressly denies that the issuance of a declaratory judgment to Samsung Electronics is in any way warranted. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 19.

20. MyPAQ denies the allegations of Counterclaim Paragraph 20.

COUNT III
DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '489 PATENT

21. MyPAQ incorporates by reference Paragraphs 1–20 of this Answer to the Counterclaims.

22. MyPAQ admits the allegations of Counterclaim Paragraph 22.

23. MyPAQ admits that it owns the '489 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '489 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 23.

24. MyPAQ denies the allegations of Counterclaim Paragraph 24.

25. MyPAQ admits that a valid and justiciable controversy has arisen and exists between Samsung Electronics and MyPAQ regarding MyPAQ's allegations of infringement of the '489 Patent, but expressly denies that the issuance of a declaratory judgment to Samsung Electronics is in any way warranted. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 25.

26. MyPAQ denies the allegations of Counterclaim Paragraph 26.

COUNT IV
DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '514 PATENT

27. MyPAQ incorporates by reference Paragraphs 1–26 of this Answer to the Counterclaims.

28. MyPAQ admits the allegations of Counterclaim Paragraph 28.

29. MyPAQ admits that it owns the '514 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*,

directly infringing the '514 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 29.

30. MyPAQ denies the allegations of Counterclaim Paragraph 30.

31. MyPAQ admits that a valid and justiciable controversy has arisen and exists between Samsung Electronics and MyPAQ regarding MyPAQ's allegations of infringement of the '514 Patent, but expressly denies that the issuance of a declaratory judgment to Samsung Electronics is in any way warranted. Except as expressly admitted, MyPAQ denies the remaining allegations of Counterclaim Paragraph 31.

32. MyPAQ denies the allegations of Counterclaim Paragraph 32.

COUNT V
DECLARATORY JUDGMENT OF INVALIDITY OF THE '399 PATENT

33. MyPAQ incorporates by reference Paragraphs 1–32 of this Answer to the Counterclaims.

34. MyPAQ admits the allegations of Counterclaim Paragraph 34.

35. MyPAQ admits that it owns the '399 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '399 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 35.

36. MyPAQ denies the allegations of Counterclaim Paragraph 36.

37. MyPAQ denies the allegations of Counterclaim Paragraph 37.

38. MyPAQ denies the allegations of Counterclaim Paragraph 38.

COUNT VI
DECLARATORY JUDGMENT OF INVALIDITY OF THE '759 PATENT

39. MyPAQ incorporates by reference Paragraphs 1–38 of this Answer to the Counterclaims.

40. MyPAQ admits the allegations of Counterclaim Paragraph 40.

41. MyPAQ admits that it owns the '759 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '759 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 41.

42. MyPAQ denies the allegations of Counterclaim Paragraph 42.

43. MyPAQ denies the allegations of Counterclaim Paragraph 43.

44. MyPAQ denies the allegations of Counterclaim Paragraph 44.

COUNT VII
DECLARATORY JUDGMENT OF INVALIDITY OF THE '489 PATENT

45. MyPAQ incorporates by reference Paragraphs 1–44 of this Answer to the Counterclaims.

46. MyPAQ admits the allegations of Counterclaim Paragraph 46.

47. MyPAQ admits that it owns the '489 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '489 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 47.

48. MyPAQ denies the allegations of Counterclaim Paragraph 48.
49. MyPAQ denies the allegations of Counterclaim Paragraph 49.
50. MyPAQ denies the allegations of Counterclaim Paragraph 50.

COUNT VIII
DECLARATORY JUDGMENT OF INVALIDITY OF THE '514 PATENT

51. MyPAQ incorporates by reference Paragraphs 1–50 of this Answer to the Counterclaims.

52. MyPAQ admits the allegations of Counterclaim Paragraph 52.

53. MyPAQ admits that it owns the '514 Patent and holds the rights to sue and recover damages for infringement thereof. MyPAQ admits that it accuses Samsung Electronics of, *inter alia*, directly infringing the '514 Patent by making, using, selling, offering for sale, and/or importing in or into the United States certain products. To the extent the remaining allegations paraphrase or characterize the Amended Complaint, MyPAQ denies them to the extent they are inconsistent with the Amended Complaint. MyPAQ denies the remaining allegations of Counterclaim Paragraph 53.

54. MyPAQ denies the allegations of Counterclaim Paragraph 54.
55. MyPAQ denies the allegations of Counterclaim Paragraph 55.
56. MyPAQ denies the allegations of Counterclaim Paragraph 56.

JURY DEMAND

57. MyPAQ acknowledges Samsung Electronics' request for a trial by jury.

PRAYER FOR RELIEF

58. MyPAQ denies that Samsung Electronics is entitled to any relief whatsoever, including but not limited to the relief requested in Counterclaim Paragraphs a–g of its Prayer for Relief.

GENERAL DENIAL

59. MyPAQ denies each and every allegation in Samsung Electronics' Counterclaims that is not specifically admitted or otherwise responded to in this Answer.

AFFIRMATIVE DEFENSES

Pursuant to Federal Rule of Civil Procedure 8(c), MyPAQ hereby asserts the following affirmative defenses to the Counterclaims. By pleading these defenses, MyPAQ does not concede, however, that it bears the burden of proof on any of these issues. MyPAQ further reserves the right to amend this Answer and assert any additional defenses of which it may become aware during the course of this action.

1. Samsung Electronics' Counterclaims fail to state a claim for which relief can be granted. Samsung Electronics' Counterclaims are conclusory and fail to allege any facts to support the assertions of non-infringement or invalidity contained therein, and they thus fail to provide fair notice of the basis for the claims.
2. Samsung Electronics is not entitled to receive attorneys' fees because it has not pled facts sufficient to support an award of such fees.
3. Samsung Electronics is not entitled to trial by jury on any defenses that are equitable in nature.

Dated: November 8, 2021

Respectfully submitted,

By: /s/ Krisina J. Zuñiga

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record.

/s/ Krisina J. Zuñiga

SUSMAN GODFREY LLP
Counsel for Plaintiff